

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHOON'S DESIGN INC.,

Plaintiff,

Case No. 14-10848

Honorable Victoria A. Roberts

v.

TRISTAR PRODUCTS, INC.,

Defendant.

**ORDER DENYING TRISTAR'S MOTION FOR RECONSIDERATION OF ORDER
GRANTING IN PART AND DENYING IN PART TRISTAR'S MOTION FOR SUMMARY
JUDGMENT OF NON-INFRINGEMENT AND INVALIDITY [Doc. 146]**

Defendant Tristar Products, Inc. ("Tristar") filed a motion for summary judgment of non-infringement and invalidity of Plaintiff Choon's Design Inc.'s ("Choon's") underlying patent claims. [Doc. 97]. On August 15, 2017, the Court entered an Order Granting in Part and Denying in Part Tristar's Motion (the "Order"). [Doc. 138].

Tristar now moves for reconsideration of the Order. [Doc. 146].

Local Rule 7.1(h)(3) provides the Court's standard of review for a motion for reconsideration:

Generally, and without restricting the court's discretion, the court will not grant motions for ... reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties and other persons entitled to be heard on the motion have been misled but also show that correcting the defect will result in a different disposition of the case.

E.D. Mich. LR 7.1(h)(3). Palpable defects are those which are "obvious, clear, unmistakable, manifest or plain." *Mich. Dep't of Treasury v. Michalec*, 181 F. Supp. 2d 731, 734 (E.D. Mich. 2002). "It is an exception to the norm for the Court to grant a

motion for reconsideration.” *Maiberger v. City of Livonia*, 724 F. Supp. 2d 759, 780 (E.D. Mich. 2010). “[A]bsent a significant error that changes the outcome of a ruling on a motion, the Court will not provide a party with an opportunity to relitigate issues already decided.” *Id.*

Tristar raises three arguments in its motion for reconsideration. However, Tristar fails to demonstrate a palpable defect the correction of which will result in a different disposition of its motion for summary judgment.

Tristar’s motion for reconsideration [Doc. 146] is **DENIED**.

IT IS ORDERED.

s/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: September 8, 2017